



**Santa Clara Valley  
Urban Runoff  
Pollution Prevention Program**

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San Jose • Santa Clara • Saratoga • Sunnyvale • Santa Clara County • Santa Clara Valley Water District

**Resolution of the Management Committee of the  
Santa Clara Valley Urban Runoff Pollution Prevention Program  
("SCVURPPP" or "Program")**

Dated: March 17, 2005

WHEREAS, on January 28, 2005, the Santa Clara Valley Water District ("District") provided written notice to the SCVURPPP Management Committee that the District wishes to withdraw as Program Contracting and Fiscal Agent;

WHEREAS, Section 4.02 of the Memorandum of Agreement ("MOA") SCVURPPP permits the District to withdraw as the Program's Contracting and Fiscal Agent upon the provision of ninety (90) days written notice to the Management Committee;

WHEREAS, Section 4.03 of the Memorandum of Agreement ("MOA") forming the SCVURPPP provides that "In the event the Contracting/Fiscal Agent withdraws . . . from providing Contracting/Fiscal Agent services to the Program, another Party may serve as successor Contracting/Fiscal Agent";

WHEREAS, Section 4.03 of the MOA further provides that "Any Party willing to serve as successor Contracting/Fiscal Agent may be nominated by another party" and that "Selection of a Contracting/Fiscal Agent must be by majority vote of the Management Committee";

WHEREAS, the City of Sunnyvale, California has now been duly nominated to assume the role of the Program's Contracting and Fiscal Agent; and

WHEREAS, the City of Sunnyvale is willing to assume the role of the Program's Contracting and Fiscal Agent for an interim period upon approval by the City Council and the City Public Works Director will annually review this commitment.

WHEREAS, a majority of the Management Committee is now voting to have the City of Sunnyvale assume the role of the Program's Contracting and Fiscal Agent upon approval by the City of Sunnyvale City Council.

NOW THEREFORE BE IT RESOLVED:

The City of Sunnyvale shall, upon approval of the City of Sunnyvale City Council, become the Program's Contracting and Fiscal Agent under the MOA.

At the Program's expense, the City of Sunnyvale shall, as Contracting and Fiscal Agent, arrange for an outside accounting firm to conduct an annual audit of the Program fund to document the fiscal year-end fund balance.

As part of its approval of the Program's annual budget, the Management Committee shall annually consider and approve a Fiscal/Contracting Agent budget, including a separate line item for having an outside accounting firm produce a year-end balance of the Program fund.

Pursuant to the budgets approved by the Management Committee, the Program Manager shall reimburse the City of Sunnyvale for all costs, including reasonable and customary costs, expenses, and fees, incurred by the City of Sunnyvale in its provision of services to the Program as Contracting and Fiscal Agent, both during Fiscal Year 05-06 and in any subsequent fiscal years

Approved: Unanimous

Rejected: none

Abstained: none